

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VALE S.A.

Petitioner,

v.

BSG RESOURCES LIMITED,

Respondent.

Case No. 19-cv-3619-VSB

Hon. Vernon S. Broderick

**NOTICE OF CROSS-MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO  
ADJOURN THE DECISION ON THE ENFORCEMENT OF THE AWARD**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and the supporting Declaration of Frederick D. Hyman, executed on June 4, 2019, and all exhibits thereto, Respondent BSG Resources Limited (“BSGR”) hereby moves this Court, before the Honorable Vernon S. Broderick, United States District Court, Southern District of New York, 40 Foley Square, New York, New York for an order: (1) dismissing Petitioner Vale S.A.’s Petition for Recognition and Enforcement of a Foreign Arbitration Award pursuant to Article V of the United Nations Convention on the Recognition of Enforcement of Foreign Arbitral Awards (the “Convention”), implemented through 9 U.S.C. §§ 201–208; or, in the alternative, (2) to adjourn the decision on Vale S.A.’s Petition pursuant to Article VI of the Convention, in light of the challenge to the underlying arbitration award that is currently pending in the United Kingdom.

Dated: June 4, 2019  
New York, New York

Respectfully submitted,

/s/ Frederick D. Hyman  
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## **CERTIFICATE OF SERVICE**

The undersigned certifies that on June 4, 2019, the foregoing document was served on the following counsel of record for Plaintiff via electronic notification through the Court's e-filing system:

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/s/ Frederick D. Hyman  
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